

seed oil: (Main panels, 1-gallon and half-gallon cans) "Imported Pure Olive Oil", "Olio Puro D'Oлива Importato"; (1-quart cans) "Pure Olive Oil Imported from Italy", "Olio Puro D'Oлива Importato Dall' Italia"; (side panels, all cans) "The olive oil contained in this can is pressed from the very best olive fruit, * * * guaranteed to be absolutely pure under any chemical analysis. The consumer is advised to destroy this can as soon as empty, in order to prevent others from refilling it with adulterated oil. L'olio che contiene questa latta e ottenuto dal migliore frutto di oliva confezionato igienicamente e garantito puro a qualsiasi analisi chimica. Il consumatore e pregato di distruggere la latta appena vuota per evitare che altri ne facciano uso con olio adulterato"; (tops of all cans) "Imported Olive Oil"; (1-gallon and half-gallon cans) design of olive branches bearing olives.

On September 8, 1936, A. J. Capone Co., Inc., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the article be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26323. Adulteration and misbranding of preserves. U. S. v. 17 Cases of Apple Peach Preserves and 20 Cases of Apple Strawberry Preserves. Decree ordering release of products under bond to be relabeled. (F. & D. no. 37589. Sample nos. 29895-B, 29896-B.)

This case involved apple peach preserves that contained less fruit and more sugar than standard preserves and that contained added acid and pectin. The apple strawberry preserves also contained water which should have been boiled off in the process of manufacture.

On April 15, 1936, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of preserves at Montgomery, Ala., alleging that the articles had been shipped in interstate commerce on or about September 7, 1935, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Alabama Maid Brand Pure Apple Peach Preserves [or "Pure Apple Strawberry Preserves"] * * * Distributed by Schloss & Kahn Grocery Co., Montgomery, Ala."

The articles were alleged to be adulterated in that sugar, acid, and pectin, in the case of the apple peach preserves, and sugar, acid, pectin, and water, in the case of the apple strawberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit, sugar, acid, and pectin, in the case of apple peach preserves, and fruit, sugar, acid, pectin, and water, in the case of apple strawberry preserves, containing less fruit and more sugar than a preserve should contain had been substituted for preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Apple Peach Preserves" and "Pure Apple Strawberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than a preserve should contain; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On July 28, 1936, Schloss & Kahn Grocery Co., Montgomery, Ala., having appeared as claimant, having admitted the material allegations of the libel, and having filed a bond, judgment was entered ordering that the products be released to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26324. Adulteration of canned salmon. U. S. v. 25 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37611. Sample no. 66850-B.)

This case involved canned salmon which was in part decomposed.

On April 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 14, 1935, from Valdez, Alaska, by the First Bank of Valdez, per A. S. Day (packer, A. S. Day, North Pacific Sea Foods), and charging adulteration in violation of the Food and Drugs Act.